

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GABRIEL LOPEZ,
Plaintiff,

v.

ENJAY, INC., et al.,
Defendants.

Case No. 23-cv-02227-VKD

**ORDER REQUESTING
CLARIFICATION**

Re: Dkt. No. 11

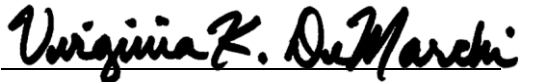
On August 8, 2023, the parties filed a stipulation advising that they had “reached a separate settlement agreement” resolving the action and requesting that the Court “order that all of Plaintiff’s claims in this action against be dismissed with prejudice.” Dkt. No. 11. In addition, the stipulation references provisions of the parties’ settlement agreement. *See id.* at 1-2 (“In consideration of this dismissal, Defendants will complete the corrective work in the parking lot within one year. The Parties agree and stipulate that the corrective work will be performed in compliance with [certain regulations].”).

The parties may stipulate to dismissal of the action, with or without prejudice, without a court order. *See* Fed. R. Civ. P. 41(a)(1)(A). Thus, if dismissal with prejudice of plaintiff’s claims is all that the parties seek, the Court need not enter an order to that effect. However, if the parties ask the Court to issue an order incorporating the “corrective work” provisions or other aspects of their settlement agreement, the Court may not enter such an order without the consent of all parties. *See* 28 U.S.C. §§ 636(b)(1)(A); (c)(1); *Williams v. King*, 875 F.3d 500, 502-04 (9th Cir. 2017) (discussing magistrate judge consent jurisdiction). Here, defendants have not appeared in the action and therefore the Court does not have the complete consent of all parties.

1 The Court construes the parties' stipulation as a voluntary dismissal of the action, with
2 prejudice, which does not require a Court order. If the parties seek entry of a Court order for some
3 other purpose, they shall so advise the Court by **August 16, 2023**.

4 **IT IS SO ORDERED.**

5 Dated: August 9, 2023

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8 VIRGINIA K. DEMARCHI
9 United States Magistrate Judge
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United States District Court
Northern District of California